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## A BILL FOR AN ACT

RELATING TO SHARK FEEDING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds the practice of feeding  
2 sharks is not in the interests of the people of Hawaii. This  
3 activity is exploitive and concentrated shark populations are a  
4 problem for Hawaii's ocean recreation community. An increased  
5 shark population in well-known surfing, diving, fishing, and  
6 other marine recreational areas increases the probability of  
7 shark attacks.

8           The legislature further finds that shark feeding continues  
9 in Hawaii's state and federal waters despite prohibitions in  
10 both jurisdictions.

11           The purpose of this Act is to include penalties for illegal  
12 shark feeding activity within state marine waters.

13           SECTION 2. Section 188-40.6, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "~~§~~188-40.6~~§~~ **Shark feeding; prohibitions; exceptions;**  
16 **penalties.** (a) Except as provided in subsection (b), or as  
17 otherwise provided by law, it shall be unlawful for any person  
18 to conduct any activity related to the feeding of sharks in



1 state marine waters.

2 (b) Persons may engage in the feeding of sharks for  
3 traditional Hawaiian cultural or religious practices; provided  
4 that the feeding is not part of a commercial activity.

5 (c) Persons engaged in the taking of marine life that  
6 results in captured, injured, or dead fish being incidentally  
7 eaten by sharks shall not be considered in violation of this  
8 section; provided that the purpose of the taking of marine life  
9 is not the feeding of sharks.

10 (d) The department may issue permits to engage in  
11 activities otherwise prohibited by law, in accordance with  
12 section 187A-6, or as may be otherwise authorized by law.

13 (e) As used in this section:

14 "Commercial activity" means to engage in any action or to  
15 attempt to engage in any action for compensation in any form.  
16 The action or actions may include, but are not limited to,  
17 providing, or attempting to provide, guide services, charters,  
18 tours, and transportation to and from the location or locations  
19 for which such services are provided.

20 "Compensation" means money, barter, trade, credit, and  
21 other instruments of value, goods, and other forms of payment.



1 "Feeding" means the introduction of or an attempt to  
2 introduce any food or other substance into the water to attract  
3 marine life for any purpose other than to take the marine life."

4 (f) Any person violating this section or any rule adopted  
5 thereunder shall be subject to:

6 (1) Seizure and forfeiture of a commercial marine license,  
7 vessel, or shark feeding equipment; and

8 (2) An administrative fine of at least \$25,000 per  
9 violation; provided that the violator may be assessed  
10 administrative fees and costs and attorney's fees and costs.

11 SECTION 3. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

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**Report Title:**

Commercial Shark Tours

**Description:**

Imposes penalties for illegal shark feeding.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

